



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, JULY 16, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is Called at 5:00 P.M. for the Purpose of Conducting Closed Sessions.

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

5:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 5

2.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Manager

Attendees: City Council, City Manager

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

City Treasurer's Quarterly Finance and Audit Report

Mike Roorda

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 1-18

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **JUNE 2003 PRELIMINARY FINANCE AND INVESTMENT REPORT..... 1**
Recommended Action(s): Accept and File Report.
2. **APPROVAL OF 2003/2004 SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY
(SCRWA) BUDGET..... 27**
Recommended Action(s):
 1. Approve the 2003/2004 SCRWA Budget; and
 2. Adjust the Adopted 2003/2004 City of Morgan Hill Sewer Operations and Sewer Impact Budgets as Detailed in Exhibits A & B.
3. **VOTING DELEGATE FOR 2003 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE 59**
Recommended Action(s):
 1. Approve Appointment of Mayor Kennedy as the City's Voting Delegate and Mayor Pro Tempore Chang as the Alternate Voting Delegate to the League of California Cities' Annual Conference; and
 2. Direct the City Clerk to Complete the Voting Delegate Form and Forward Said Form to the League of California Cities.
4. **APPROVAL OF RECLASSIFICATION RECOMMENDATION FOR ASSISTANT PLANNER
AND ADOPTION OF REVISED CLASSIFICATION SPECIFICATION AND SALARY RANGE
FOR THE BUILDING INSPECTOR/FACILITIES MAINTENANCE COORDINATOR POSITION 65**
Recommended Action(s):
 1. Approve the Reclassification Recommendation for the Assistant Planner in the Planning Division; and
 2. Adopt the Revised Job Description and Salary Range for the Building Inspector/Facilities Maintenance Coordinator in the Building Division.

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
5.	<u>EXTENSION OF CONTRACT FOR CONSULTANT PLANNING SERVICES</u> 81 Recommended Action(s): <u>Authorize</u> the City Manager to Execute an Extension to the Consultant Services Agreement for Contract Planning Services at a Cost Not to Exceed \$75,000.	81
6.	<u>AGREEMENT WITH THE LAW FIRM OF ENDEMAN, LINCOLN, TUREK & HEATER</u> 91 Recommended Action(s): <u>Authorize</u> the City Manager to Execute an Agreement with the Law Firm of Endeman, Lincoln, Turek & Heater.	91
7.	<u>APPROVAL OF RESOLUTION ELECTING TO BE SUBJECT TO SECTION 22873 OF THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT TO PROVIDE HEALTH BENEFIT COVERAGE FOR THE DOMESTIC PARTNER OF AN EMPLOYEE OR RETIREE</u> 101 Recommended Action(s): <u>Adopt</u> Resolution No. 5689.	101
8.	<u>CONTRACT FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR (TPA)</u> 105 Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Consultant Service Agreement for Third Party Administration of Workers' Compensation at a Cost Not to Exceed \$35,000.	105
9.	<u>CITY VISIONS PRINTING</u> 113 Recommended Action(s): <u>Authorize</u> the City Manager to Execute a Purchase Order in the Amount of \$21,890.11 for City Visions Printing and Film Development.	113
10.	<u>APPROVE SOLE SOURCE PURCHASE OF WATER METERS</u> 115 Recommended Action(s): 1. <u>Approve</u> Purchase of Water Meters, Meter Parts and MXUs from Invensys Metering Systems (Formerly Sensus Technologies) in Accordance With Section 3.04.120.A(4) of the Municipal Code – Brand Names or Equal Specification, and Section 3.04.150.C – Sole Source Purchases; and 2. <u>Approve</u> Purchase Order of \$250,000 to Invensys Metering Systems for the Annual Supply of Water Meters, Meter Parts, and MXUs.	115
11.	<u>APPROVAL OF REVISED MAIN AVENUE/ UNION PACIFIC RAILROAD (UPRR) CROSSING AGREEMENT</u> 117 Recommended Action(s): <u>Approve</u> the Revised Main Avenue/UPRR Crossing Agreement, Subject to the Approval of the City Attorney.	117
12.	<u>AWARD CONTRACT FOR CONSTRUCTION OF THE MONTEREY ROAD/UNION PACIFIC RAILROAD (UPRR) UNDERCROSSING PEDESTRIAN AND BIKEWAY IMPROVEMENT PROJECT</u> 159 Recommended Action(s): 1. <u>Approve</u> an Appropriation of \$175,000 from the Current Year Unappropriated Traffic Impact Fee Fund Balance to Complete Funding for this Project; and 2. <u>Award</u> Contract to Granite Construction Company for Construction in the Amount of \$531,531; and 3. <u>Authorize</u> 5% Construction Contingency Funds Totalling \$26,577.	159
13.	<u>PUBLIC WORKS MAINTENANCE AGREEMENT FOR SERVICE REPAIR OF SEWER LIFT STATION PUMPS AND STORM STATION PUMPS</u> 165 Recommended Action(s): 1. <u>Approve</u> New Maintenance Agreement for Service Repair for Sewer Lift Station Pumps and Storm Station Pumps; and 2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City.	165

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	Consent Calendar: 1 - 10 Minutes	
14.	<u>PUBLIC WORKS MAINTENANCE AGREEMENT FOR REPAIR AND MAINTENANCE OF TELEMETRY SYSTEM</u> 177 Recommended Action(s): <u>Authorize</u> the City Manager to Execute the Agreement with Telekey SCADA Systems, Inc.	177
15.	<u>APPROVE PURCHASE ORDER FOR REPLACEMENT OF TWO SEWAGE SUBMERSIBLE PUMPS AT "C" LIFT STATION</u> 183 Recommended Action(s): <u>Approve</u> the Purchase of Two Sewage Submersible Pumps in the Amount of \$20,440.58.	183
16.	<u>STATUS REPORT ON TENNANT AND NORDSTROM PERCHLORATE REMOVAL PLANTS</u> 185 Recommended Action(s): <u>Information</u> Only.	185
17.	<u>ACCEPTANCE OF MAIN AVENUE WELL DRILLING PROJECT</u> 193 Recommended Action(s): 1. <u>Accept</u> as Complete the Main Avenue Well Drilling Project in the Final Amount of \$135,077; and 2. <u>Direct</u> the City Clerk to File the Notice of Completion With the County Recorder's Office.	193
18.	<u>APPROVE MINUTES OF JOINT SPECIAL CITY COUNCIL AND SPECIAL PLANNING COMMISSION MEETING OF JUNE 24, 2003</u> 197	197

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 19

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	Consent Calendar: 1 - 10 Minutes	
19.	<u>AGREEMENT FOR OUTSIDE LEGAL COUNSEL (RICHARDS, WATSON & GERSHON)</u> 203 Recommended Action(s): <u>Authorize</u> Executive Director to Execute Consultant Agreement for Legal Services in Fiscal Year 2003-2004 with Richards, Watson, and Gershon in the Amount of \$65,000.	203

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 20-21

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
20.	<u>APPROVE MINUTES OF JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING OF JUNE 25, 2003</u> 215	215
21.	<u>APPROVE MINUTES OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING OF JULY 2, 2003</u> 233	233

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
22.	40 Minutes	<u>MEASURE P APPEAL APPLICATION AP-03-01: EAST DUNNE-DEMPSEY</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Deny Appeal</u> and <u>Adopt</u> Resolution with Findings. Action- If Appeal is Granted, <u>Direct</u> Planning Commission to Modify Allotment Evaluation and Final Distribution of the Building Allotment if Applicable.	251
23.	10 Minutes	<u>MEASURE P APPEAL APPLICATION AP-03-02: BARRETT-ODISHOO</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Deny Appeal</u> and <u>Adopt</u> Resolution with Findings. Action- If Appeal is Granted, <u>Direct</u> Planning Commission to Modify Allotment Evaluation and Final Distribution of the Building Allotment if Applicable.	279
24.	10 Minutes	<u>MEASURE P APPEAL APPLICATION AP-03-03: WEST EDMUNDSON-PINN BROTHERS</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Deny Appeal</u> and <u>Adopt</u> Resolution with Findings. Action- If Appeal is Granted, <u>Direct</u> Planning Commission to Modify Allotment Evaluation and Final Distribution of the Building Allotment if Applicable.	297
25.	3 Minutes	<u>DEVELOPMENT AGREEMENT APPLICATION DA-03-03: HALE-GARCIA</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Table</u> Item.	319
26.	15 Minutes	<u>ZAA-98-20: SPRING AVENUE-WESTPOL PROPERTIES, LLC (MALONE)</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution Denying Request to Amend the Precise Development Plan.	321

PUBLIC HEARINGS:

	Time Estimate		Page
27.	15 Minutes	<u>PUBLIC HEARING AND ADOPTION OF RESOLUTIONS CONFIRMING FISCAL YEAR 2003-2004 ANNUAL ASSESSMENT FOR THE FOX HOLLOW-MURPHY SPRINGS ASSESSMENT DISTRICT</u>	333
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> 2 Resolutions confirming the Fiscal Year 2003-2004 Annual Assessment for the Fox Hollow/Murphy Springs Assessment District, Excluding the Conte Gardens and Sandalwood Estates Zones.	
		Action- <u>Adopt</u> 2 Resolutions confirming the Fiscal Year 2003-2004 Annual Assessment for the Fox Hollow/Murphy Springs Assessment District, Referring Only to the Conte Gardens Zones.	
		Action- <u>Adopt</u> 2 Resolutions confirming the Fiscal Year 2003-2004 Annual Assessment for the Fox Hollow/Murphy Springs Assessment District, Referring Only to the Sandalwood Estates Zones.	
28.	10 Minutes	<u>GENERAL PLAN AMENDMENT, GPA-01-05 AND ZONING AMENDMENT APPLICATION ZA-01-11: CLAYTON-MERLANO</u>	437
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Negative Declaration.	
		Action- <u>Adopt</u> Resolution Approving the General Plan Amendment Request.	
		Action- <u>Motion to Waive</u> the Reading in Full of the Zoning Ordinance.	
		Action- <u>Motion to Introduce</u> the Zoning Ordinance by Title Only. (Roll Call Vote)	
29.	10 Minutes	<u>GENERAL PLAN AMENDMENT APPLICATION: GPA-02-08: MONTEREY-PINN BROTHERS</u>	455
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Approve</u> Mitigated Negative Declaration.	
		Action- <u>Adopt</u> Resolution Denying General Plan Amendment.	
		Action- <u>Adopt</u> Resolution Approving Adjustment to Boundary Between Multi-Family Medium and Commercial General Plan Land Use Designations.	
		Action- <u>Adopt</u> Resolution Approving Adjustment of Boundary.	
30.	10 Minutes	<u>GENERAL PLAN AMENDMENT, GPA-03-01/ANNEXATION, ANX-03-03/URBAN GROWTH BOUNDARY/URBAN SERVICE AREA/SPHERE OF INFLUENCE, USA-03-04/ZONING AMENDMENT, ZA-03-05: MALAGUERRA-CITY OF MORGAN HILL BOYS RANCH WATER TANK</u>	479
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution Approving General Plan and Urban Growth Boundary Amendment.	
		Action- <u>Adopt</u> Resolution Approving Sphere of Influence Amendment.	
		Action- <u>Adopt</u> Resolution Approving Urban Service Area Amendment.	
		Action- <u>Motion to Waive</u> the Reading in Full of Ordinance for Rezoning.	
		Action- <u>Motion to Introduce</u> Ordinance for Rezoning by Title Only. (Roll Call Vote)	
		Action- <u>Adopt</u> Resolution Approving Annexation.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
31.	15 Minutes	<u>NEW MORGAN HILL POLICE FACILITY</u>	521
		<u>Recommended Action(s):</u>	
		1. <u>Authorize</u> the City Manager, Subject to City Attorney's Review, to Execute, Make Modifications as Needed, and Take Actions as Necessary to Execute the Lease and Purchase Agreements, and Architectural and Construction Management Services Agreements to Lease, Acquire and Construct Tenant Improvements at 16200 Vineyard Boulevard; and	
		2. <u>Direct</u> Staff to Proceed with Arranging for the Financing of the Facility.	
32.	60 Minutes	<u>GENERAL CONTRACTOR PACKAGE BID RESULTS - MORGAN HILL AQUATICS COMPLEX</u>	559
		<u>Recommended Action(s):</u> Staff Recommendation <u>Will Be Presented</u> At or Before the July 16, 2003 City Council Meeting.	
33.	10 Minutes	<u>HOUSING TYPE DISTRIBUTION AND TERM FOR 2003-2004 MEASURE "P" COMPETITION (FY 2005-2006 BUILDING ALLOTMENT)</u>	563
		<u>Recommended Action(s):</u> <u>Adopt</u> Resolution Approving the Total Building Allotment and Distribution, and Authorizing Measure P Competitions to be Conducted During Fiscal Year-2004 for the Balance of the Fiscal Year 2005-2006 Building Allotment.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
34.	10 Minutes	<u>CHAMBER OF COMMERCE ANNUAL REPORT</u>	577
		<u>Recommended Action(s):</u> <u>Receive</u> Report From the Chamber of Commerce.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT